

EXETER CITY COUNCIL

EXECUTIVE
19 MARCH 2013

EXETER ST JAMES FORUM NEIGHBOURHOOD PLAN

1.0 PURPOSE OF REPORT

- 1.1 To inform Members about the outcome of the Exeter St James Neighbourhood Plan examination, to agree the Council's response to the Examination report and to grant delegated powers to take the process forward to referendum.

2.0 BACKGROUND

- 2.1 Members will recall that the Localism Act included measures relating to the introduction of Neighbourhood Planning, established to give members of the community a more hands on role in the planning of their neighbourhood. The Exeter St James Neighbourhood Plan will establish general policies for the development and use of land in the St James neighbourhood area which corresponds with the ward.
- 2.2 Members of the Exeter St James Forum presented the Plan at the Planning Member Working Group on the 16 October 2012, and a report to Executive on the 20 November 2012 informed Members of progress on the production of the Plan, agreed the Council's response to the consultation process and granted delegated powers to take the process forward.

3.0 PROGRESS SO FAR

- 3.1 Exeter St James Forum has made impressive progress in producing a Neighbourhood Plan. Whilst they were only in the fourth round of front-runners (those communities for whom Councils received funding to take Neighbourhood Planning forward) they are now second in the country. Planning Minister Nick Boles comments:

"This is a big milestone for both neighbourhood planning and Exeter. The city is leading the way in using neighbourhood planning to address local challenges and showing other urban areas how they can do the same. It's an impressive feat being the first urban forum to pass independent examination and I wish Exeter St James Forum and the City Council the very best as they proceed."

- 3.2 The second and third of the five key stages of neighbourhood planning 'Preparing the Plan' and the 'Independent Examination' have now been completed (see Appendix A for a summary of the Key Stages of Neighbourhood Planning).
- 3.3 Once Exeter St James Forum had completed its consultation (on 23 November 2012), it made changes to the Plan in response to comments received and the final document was drafted. The Plan, together with various supporting documents, was then submitted to Exeter City Council. The Council publicised the document on its website and by way of site notices within the St James neighbourhood area. With the agreement of Exeter St James Forum, Exeter City Council appointed an examiner to check the Neighbourhood Plan was in accordance with the legislative requirements.

3.4 Once the six week publicity period was over (on the 8 February) the examiner undertook the independent examination to ensure the Plan met the basic conditions. The basic conditions (set by legislation) are that the plan:

- complies with national policy and advice contained in guidance issued by the Secretary of State
- contributes to the achievement of sustainable development
- is in general conformity with the strategic policy of the development plan for the local area
- is compatible with EU and human rights obligations

The examiner is required to reach one of three conclusions; that the plan proceeds to referendum as submitted, the plan is modified to meet the basic conditions and then proceeds to referendum, or the plan does not proceed to referendum.

4.0 THE INDEPENDENT EXAMINATION

4.1 The Examiner's report was received on the 14 February 2013. The report concludes that, with a few minor modifications, the Plan will meet the basic conditions and should proceed to referendum.

4.2 The minor modifications recommended relate to:

- Ensuring there is a clear definition of the 15 year plan period
- Amending the wording for Policy EN2 Hoopern Valley to ensure that development that does not detract from the landscape or ecological value of the area is allowed to go ahead
- Amending the wording of Policy EN6 Biodiversity to ensure the policy does not make unreasonable requirements on the timing to biodiversity enhancements
- Deleting the word 'contemporary' from a number of policies to ensure clarity and to conform with local and national policy
- Amending the supporting text to Policy C2 Large Scale Purpose Built Student Accommodation to ensure it is clear where the policy applies
- Inserting the word 'not' into sub-paragraph 'b' of Policy C4 to ensure the policy's meaning is clear
- Deleting some text under the heading 'Howell Road Car Park' to ensure clarity and to ensure conformity with national policy guidance
- Substituting the word 'may' for the word 'should' in the supporting text to policy T2 Strategic Traffic to ensure consistency with the policy text

4.3 The report also makes some comments regarding corrections to two other parts of the plan. The text associated with the partnership project to address transport issues incorrectly gives the impression that this project was prioritised by the community. It is suggested that this should be corrected. The text will be amended to ensure it is clear that this proposal was introduced to address concerns raised during consultation. The inspector also comments that the terminology used in the transport policies and supporting text is inconsistent (with various references to 'strategic traffic', 'non-resident traffic' and 'through traffic'). This should be corrected to ensure clarity. The terminology will be simplified to refer to 'through traffic'.

4.4 The report concludes 'the plan, as amended following consideration of my recommendations, should be submitted to a referendum'.

4.5 The full examiner's report is attached at Appendix B.

5.0 DECISION STATEMENT

5.1 The Council needs to determine:

- What modifications, if any, are to be made to the draft plan
- Whether to extend the area to which the referendum is to take place
- What action to take in response to the recommendations of the examiner

5.2 What modifications, if any, are to be made to the draft plan:

The minor modifications suggested by the examiner (and summarised at paragraph 4.2) will result in a plan that meets the basic conditions and these modifications should therefore be made. A number of minor errors, including those identified by the examiner (and summarised at paragraph 4.3), should also be corrected prior to going forward to referendum (see Appendix C).

5.3 Whether to extend the area to which the referendum is to take place:

The examiner has concluded that the referendum area does not need to be extended beyond the neighbourhood area to which the plan relates. The local planning authority is required to make a decision on the referendum area informed by the examiner's conclusions. There appears to be no reason to take a different view on this issue.

5.4 What action to take in response to the recommendations of the examiner:

The examiner concludes that with a few minor modifications the Plan will meet the basic conditions and should proceed to referendum. The Localism Act 2011 places a duty on local authorities to hold a referendum where a neighbourhood plan has a successful examination and the local planning authority is satisfied that it meets the basic conditions set out in the legislation. A successful examination has taken place and the Council has no reason not to concur with the examiner's view that the basic conditions have been met; accordingly with the suggested modifications made it is recommended that the Plan proceed to referendum.

5.5 As soon as possible after making these decisions the Council must publish 'a decision statement' explaining the decisions taken and the reasons for these decisions. The decision statement will be published on the website and made available for inspection in the Customer Service Centre at the Civic Centre. A copy of the draft decision statement is attached at Appendix D.

6.0 REFERENDUM

6.1 The legislation requires that the plan should proceed to the referendum stage in a timely manner. The referendum on the Exeter St James Neighbourhood Plan can be combined with the County Council elections on the 2 May 2013 which may lead to a better turn out.

6.2 Regulation 4 of the Neighbourhood Planning (Referendum) Regulations 2012 sets out the information that must be made available in relation to the referendum. Not less than 28 working days before the date of the referendum (on the 21 March 2013) the Council must publish on its website and make available for inspection an information statement together with specified documents. The information statement should specify:

- That a referendum will be held
- The date of the referendum
- The question to be asked
- A map of the referendum area
- A description of those entitled to vote
- The referendum expenses limit applicable and the number of people identified

- as entitled to vote on which the limit was calculated
- That the referendum will be conducted in accordance with procedures similar to those for a local government election
- The address and times at which a copy of the specified documents can be inspected

The specified documents are:

- The draft Neighbourhood plan
- The independent examiner's report
- A summary of representations submitted to the examiner
- A statement that the Council is satisfied that the plan meets the basic conditions
- General information on town and country planning, including neighbourhood planning to ensure voters have sufficient knowledge to make an informed decision

6.3 A copy of the proposed Information Statement is attached at Appendix E. The specified documents will be in the Members' room.

7.0 WHAT NEXT?

7.1 Where a referendum results in a majority Yes vote (i.e. over 50%) the Council must adopt the neighbourhood plan as soon as reasonably practicable for it to come into legal force (the final stage of the neighbourhood planning process). The decision to adopt the Plan will be taken by full Council. The Plan will then become part of the statutory development plan.

8.0 RECOMMENDATION

8.1 That Executive offers its congratulations to Exeter St James Forum on the progress made so far.

8.2 That Executive resolves:

- (i) That it accepts all of the recommendations made by the Independent Examiner in his report submitted to the Council on 15 February 2013, and that it adopts in full the reasoning of the Independent Examiner in arriving at those recommendations;
- (ii) That the modifications to the draft Exeter St James Neighbourhood Plan referred to in paragraph 4.2 of the committee report shall be made to secure that the draft plan meets the basic conditions;
- (iii) That the modifications to the draft Exeter St James Neighbourhood Plan referred to in Appendix C of the committee report shall be made for the purpose of correcting errors;
- (iv) That it is satisfied that the Exeter St James Neighbourhood Plan as so modified:
 - (a) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
 - (b) is compatible with the Convention rights (within the meaning of the Human Rights Act 1998); and
 - (c) complies with the provision concerning neighbourhood development plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004;

- (v) That the decision statement to publicise the result of the Exeter St James Neighbourhood Plan examination be issued on 20 March 2013 in the form, or substantially in the form, of the draft decision statement at Appendix D of the committee report;
- (vi) To proceed to carry out a referendum on the Exeter St James Neighbourhood Plan as so modified, and for that purpose to issue the information statement in the form, or substantially in the form, of the draft information statement at Appendix E of the committee report, together with the specified documents referred to in paragraph 6.2 of the committee report, on 21 March 2013;
- (vii) That it is not appropriate to extend the area in which the referendum is to take place beyond the existing designated Exeter St James Neighbourhood Area;
- (viii) To authorise the Assistant Director City Development, the Electoral Services Manager or other appropriate officers to undertake all necessary action to proceed with the referendum and (if more than half of those voting in the referendum vote in favour of the plan) to seek adoption of the draft Exeter St James Neighbourhood Plan by full Council.

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

Local Government (Access to Information) Act 1985 (as amended)
Background papers used in compiling this report:
None

KEY STAGES TO NEIGHBOURHOOD PLANNING

There are five key stages to neighbourhood planning:

1. Defining the neighbourhood

Local people will need to decide which organisation should lead on co-ordinating the local debate. In some places, existing community groups may want to put themselves forward. In other places, local people might want to form a new group. In both cases, the group must meet some basic standards. It must, for example, have at least 21 members, and it must be open to new members.

Community groups will then need to apply to the local planning authority identifying the area and submitting information about the group. If the local planning authority decides that the community group meets the right standards, the group will be able to call itself a 'Neighbourhood Forum'. A Neighbourhood Forum can then get going and start planning for their neighbourhood.

2. Preparing the Plan

Next, local people will begin collecting their ideas together and drawing up their plans.

With a **neighbourhood plan**, communities will be able to establish general planning policies for the development and use of land in a neighbourhood.

With a **neighbourhood development order**, the community can grant planning permission for new buildings they want to see go ahead.

Local people can choose to draw up **either** a plan, **or** a development order, or **both**. It is entirely up to them. Both must follow some ground rules:

- They must generally be in line with local and national planning policies
- They must be in line with other laws
- If the local planning authority's says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. They can, however, use neighbourhood planning to influence the type, design, location and mix of new development

3. Independent Examination

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards.

4. Community Referendum

The local council will organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force.

If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

5. Legal Force

Once a neighbourhood plan is in force, it carries real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

APPENDIX B

St James Exeter Neighbourhood Plan

Report by Examiner

Graham Self

February 2013

Introduction

1. I was appointed in January 2013 as the independent examiner for the St James Exeter Neighbourhood Plan. This plan has been prepared by the Exeter St James Forum, with the support of various bodies including Exeter City Council. The Forum was given "front runner" (pilot project) status in 2011 and the plan is one of a small number of neighbourhood plans to have reached examination stage, following legislation introduced by the Localism Act 2011.
2. The examiner's role is to provide an independent review of the plan and to make recommendations as appropriate, in accordance with requirements set out in the Act and related regulations. In particular, the examiner has to consider whether the plan meets certain basic conditions, satisfies legal requirements, and identifies an appropriate area for a referendum.
3. The basic conditions just mentioned are important, because they are intended to ensure that neighbourhood plans fit with the wider context. In summary,¹ the plan must:
 - have regard to national planning policies and guidance;
 - contribute to achieving sustainable development;
 - be in general conformity with the strategic policies of the development plan;
 - be compatible with European Union law and human rights obligations.
4. National policy is set out in the National Planning Policy Framework 2012 (NPPF). The development plan applicable in this instance consists of several documents, including in particular the Exeter City Core Strategy adopted in 2012. (I comment further on the development plan in paragraphs 17-19 below.) I consider development plan policies on matters such as design, the natural environment, sustainable development and transport to be "strategic" policies.
5. The legislation does not permit me to examine the soundness or quality of the plan. Thus I am not allowed to make recommendations aimed solely at improving the plan. However, I have had regard to the statement in the NPPF that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".² There are aspects of the plan which I think affect its clarity or practicality to an extent which can properly be judged as not having regard to this point of national policy and therefore not meeting one of the basic conditions. Where that is so, I have made recommendations, even though some of them would have the incidental effect of improving the plan.
6. The version of the plan sent to me for examination contains some textual flaws, most of which appear to be typographical or printing errors. The Neighbourhood Forum is aware of most of these. I have also written separately to the City Council and to the Forum drawing attention to a few other points where I think consideration should be given to making minor corrections - I cannot make recommendations on these points as part of this report, for the reason explained in the previous paragraph.

¹ For information and reference purposes I list the basic conditions more fully in Appendix 1.

² NPPF paragraph 17.

7. The main documents which I have read or referred to, all of which were sent to me by the City Council, are as follows. (The titles and dates are taken from the front covers of the documents).
 - St James Exeter Neighbourhood Plan.³
 - Introduction to Neighbourhood Plan and Basic Conditions Statement, Exeter St James Neighbourhood Plan, December 2012.
 - Consultation Statement, Exeter St James Neighbourhood Plan, December 2012.⁴
 - Evidence Base, Exeter St James Neighbourhood Plan, 14th December 2012.
 - Exeter St James Forum Neighbourhood Plan, Planning Policy Appraisal, December 2012.
 - Exeter St James Neighbourhood Plan, Sustainability Appraisal, Exeter St James Forum, December 2012.
8. Other documents I have referred to include the online-published version of the City Council's Core Strategy.
9. The closing date for objections or other representations to be made following the most recent public consultation (that is to say, consultation on the "examination draft" of the plan) was 8th February 2013. Only three representations were received; two (from English Heritage and Natural England) expressed support for the plan or made general comments. One representation, on behalf of Land Securities, expressed support for some aspects of the plan but "some concern" about the approach to traffic issues, with particular reference to Project 6 on page 19 and Policy T2.
10. In these circumstances it has not been necessary for me to hold any hearing or to make any site inspections. Some information has been supplied to me in writing by both the City Council and the Neighbourhood Forum, about the status and scope of the Exeter development plan and about the textual errors mentioned above.⁵
11. I have set out this report in the following sequence. In the next section I comment on general matters: procedural aspects relating to the preparation of the plan; the plan period; and some points about the development plan. I then review each policy or group of policies and the relevant supporting text, in plan order, and give reasons why in some instances I make recommendations for changes. A summary of the recommendations then follows. Where I do not discuss any particular policy, I do not have any comment on it.

³ As can be seen from the list here, in the other documents sent to me the plan is named as the "Exeter St James Neighbourhood Plan". It appears that at some stage in late 2012 the plan was re-named "St James Exeter Neighbourhood Plan", although the Forum is still called the "Exeter St James" Forum.

⁴ This includes as Appendix 10 a copy of the previous draft Neighbourhood Plan.

⁵ This information has been supplied by means of email exchanges with the City Council and the Forum.

General Matters

Plan Preparation Procedures

12. Exeter City Council designated the area comprising the electoral ward of St James as a Neighbourhood Area for the purpose of preparing a neighbourhood plan on 25 June 2012, in accordance with the relevant regulations.⁶ The Exeter St James Forum was designated as a qualifying body entitled to prepare a neighbourhood plan for the area in August 2012. Various public meetings were held during 2011 and 2012, including "drop-in" sessions in November 2011 and April 2012. A draft plan was prepared and was subject to public consultation during October and November 2012. Comments were analysed before production of the "examination draft" version.
13. The plan has evidently been suitably advertised; no objections have been made known to me about the constitution of the Forum or the way the plan has been prepared. Other regulatory requirements, such as screening for strategic environmental assessment and habitat regulations assessment, have also been met.
14. In summary, the written material available to me indicates that appropriate steps have been taken to prepare the plan in accordance with current legislation. I consider that the plan is compatible with EU law and human rights obligations.

Plan Period

15. The law requires that a neighbourhood plan must specify the period for which it is to have effect. At the bottom of page 9 of the plan - rather tucked away between two sentences referring to a different matter ("priority projects") - there is a sentence stating: "The policies in the plan will apply for the next 15 years." However, the version of the plan sent to me for examination does not have a publication date. Without a "start date", the plan lacks a defined plan period.
16. This could be rectified in several ways. One option would be to label the front cover with dates. (A modified front cover will have to be produced anyway so that the "referendum version" of the plan can be differentiated from the "examination version".) For example, if the period is intended to be 15 years from 2012, the title could be: "St James Exeter Neighbourhood Plan 2012-2027" (or 2013-2028, if that is the intended period). Alternatively or in addition, the proposed plan period could be defined in the introduction - preferably, I suggest, more prominently than in the sentence on page 9. Either way, the plan period needs to be defined somewhere in order to meet legal requirements.

The Development Plan

17. I have had some difficulty establishing exactly what constitutes the statutory development plan for this area - a necessary step for assessing the neighbourhood plan against the "basic conditions". The 2012 Core Strategy for Exeter states (at paragraph 1.9):

"The Statutory Development Plan for Exeter will comprise these DPDs⁷ [this refers to the 'Core Strategy DPD' and the 'Site Allocations and Development Management DPD'], together with the Mineral and Waste DPDs."

⁶ Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012.

⁷ DPD = Development Plan Document.

18. What the Core Strategy does not make clear is that as at 2012 and continuing into 2013 (that is to say, into the future after the adoption of the Core Strategy), the statutory development plan also comprises "saved policies" from the 2005 First Review of the Exeter Local Plan. I have sought to clarify this matter⁸ and as far as I can establish, at the time of writing this report in February 2013 the Site Allocations and Development Management DPD (which is quoted in the Forum's Policy Appraisal) is *not* part of the statutory development plan; but saved policies from the 2005 Local Plan Review *are* part of the statutory development plan.⁹
19. According to the first page of the Forum's "Planning Policy Appraisal" document, the local plan against which the Neighbourhood Plan policies were appraised was the Exeter City Council Local Plan 2004. I understand that this is an error, and that all the local plan policies referred to in the Forum's appraisal are taken from the 2005 First Review.¹⁰ (In practice the policies may not materially differ, but I have not checked against the 2004 plan as it is apparently not part of the statutory development plan.) References elsewhere in this report to the "local plan" should therefore be taken to refer to the 2005 First Review.

The Plan and its Policies

Use of the word " normally" in policies

20. I have some reservations about the use of the word "normally" in policies. This applies to policies EN2, EN4, EN5, EN6 and C5. Taking the first two as examples, Policy EN2 states:
- "Development in the Hoopern Valley Park will not normally be permitted."
[This policy then goes on to indicate types of development which may be considered].
21. Policy EN4 states:
- "Development which results in the loss of or significant harm to the ecological or landscape value of private residential gardens will not normally be permitted."
22. Policies of this type were fairly common in development plans around 10-15 years ago, but fell out of general use, partly because they were perceived as duplicating legal provisions under the Town and Country Planning Act. The current Act (as amended by post-1990 legislation) requires that applications for planning permission have to be decided in accordance with the development plan "unless material considerations indicate otherwise". Thus it can be argued that exceptions to policies are already allowed for by the "material considerations"

⁸ This has been by written questions to the City Council.

⁹ From various sources including the council's website, the situation can be summarised as follows. The City Council is preparing a Local Development Framework (LDF) which will progressively replace the 2005 Local Plan First Review as the statutory development plan for Exeter. The council has published a Local Development Scheme (LDS) which specifies the Development Plan Documents (DPDs) which will form the LDF. The Core Strategy DPD (which sets out the strategy for development in Exeter up to 2026) has been finalised and adopted, so it has statutory force; but the "saved policies" from the 2005 First Review are also still part of the statutory development plan. Further DPDs will be produced in the future, including the Site Allocations and Development Management DPD which is not yet finalised. (Supplementary Planning Documents, which do not have statutory development plan status, are also being produced.) However, following publication of the NPPF in 2012, Core Strategies and old "saved policies" included in LDFs are now to be called "Local Plans". This complicated situation has occurred after legislation intended to improve the planning system.

¹⁰ The source of this information is an email from the City Council, 6 February 2013.

proviso, and that adding another layer of exceptions by the word "normally" is unnecessary and confusing, especially where the question of what may be normal and what may be abnormal is debatable.

23. As I have previously noted,¹¹ national policy is that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The word "normally" in policies reduces such predictability, so there is a degree of conflict with national policy. Looking at the parts of the Exeter Core Strategy quoted in the Forum's Planning Policy Appraisal document, I have not found any policies which use the word "normally", so there is also some lack of accord with the development plan.
24. The use of "normally" in policies has also been the subject of legal challenge and judgement in the Courts. The fact that such legal argument has arisen is an indication of the sort of problems which can be caused.¹²
25. On the other hand, I can understand why the Forum has framed the policies in the way chosen. The inclusion of the word "normally" conveys what the Forum are trying to achieve through the Neighbourhood Plan, and I think there is sufficient guidance, either in the rest of the policies or in supporting text, for potential developers to know what type of proposal could be acceptable on grounds of "abnormality" or "other material considerations". I also note that the word "normally" is used in the NPPF¹³.
26. On balance, and bearing in mind that no objection has been raised to this aspect of the plan, I judge that the extent of conflict does not make any of the Neighbourhood Plan's policies fail the basic condition requiring them to be in *general conformity* with the *strategic policies* of the development plan. Nor, despite the point about predictability mentioned above, does it make any policies inappropriate having regard to national policy.
27. I conclude that my reservations are not so strong as to justify recommending amendments deleting references to "normally".

Inclusion of "Projects"

28. The plan includes "priority projects" which the community will seek to bring forward. The plan states (on page 9) that these projects "do not have planning weight but are included in the plan as a focus for community action". Appendix 1 of the plan lists some 31 "key priority projects" and 32 suggestions for other projects.
29. Neighbourhood plans should relate to the development and use of land. Quite a number of the projects listed in the appendix (for example, setting up a community enterprise company or placing a new history board at Danes Castle), do not involve town and country planning, in the sense that they do not relate to the development and use of land. Bearing in mind that the Neighbourhood Plan could become part of the statutory development plan, the status of the projects with regard to planning policies is also unclear.

¹¹ Paragraph 5.

¹² An example is the case of *Sefton MBC v Secretary of State for Environment, Transport and the Regions [2002] EWHC 119 Admin*. The High Court held that it would be an error of law to interpret the word "normally" as meaning that a proposal could be found to accord with the development plan because of other material considerations.

¹³ For example in paragraph 198, in the statement: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted".

30. Nevertheless I can see why the Forum wanted to include these projects in the appendix. I get the impression from reading the Evidence Base document (including the information about consultation meetings and photographs of discussion groups) that the process of preparing the plan has helped to stimulate ideas among local people and businesses for ways to improve the area generally. Even though some of these projects are not "planning" projects, their inclusion could provide a focus for beneficial community action, and I do not think they would undermine the plan's policies. Therefore I do not find any need to omit or amend the list of projects in Appendix 1 of the plan.
31. I am more concerned about some aspects of Section 6 of the plan, which is mentioned in the representation by Land Securities. The text under the heading "6.1 Projects" explains that: "Six priority projects have been identified in this document....which are described on the following pages". It then states: "A major partnership project is also proposed....to address transport issues within the ward".
32. There is an anomaly here. Six projects plus another "also proposed" adds up to seven; yet only six are described in Section 6 of the plan; and it seems odd that whilst the first five projects described in Section 6 follow the sequence of the first five projects listed in Appendix 1 (that is to say, the sequence of "priority votes" starting with the highest), the sixth project, which is described on page 19 of the plan, does not appear at all in Appendix 1. (The sixth project listed in the appendix is to do with working with conservation volunteers to improve the environment, from the natural environment to the re-pointing of walls.)
33. Having checked the previous draft version of the plan, as I initially thought there might have been a simple omission from the priority list in Appendix 1, I can see that the appendix has not changed. What has changed since the draft is the text of Section 6, which previously referred to only five priority projects. These were broadly similar to the first five projects in Section 6.1 of the examination draft version, and were set out, as was logical, in the sequence listed in Appendix 1.
34. This part of the plan is flawed, because the text in Section 6.1 introduces the six projects by saying that they have been listed and that members of the community have prioritised them - yet this statement only appears from Appendix 1 to be true for the first five projects. I do not doubt that the impact of through traffic (the subject of the sixth project) is an issue of importance to many people in St James. What concerns me is how the plan presents this "major project" in a way which appears to be inconsistent with the treatment of other issues and projects and with the evidence base. There are comments about through traffic in the consultation responses (in Appendix 15 of the Consultation Statement); but in the "summary of main issues in responses" on page 16 of the Consultation Statement there is no mention of the diversion of through traffic as a "main issue". From this evidence it is not clear how "Project 6" came to be inserted into the plan with "major project" status allegedly prioritised by the community.
35. In considering this matter, I am constrained by the limited remit available to an examiner of a neighbourhood plan. Section 6 of the plan does not contain any policies or supporting text to policies, and it cannot be said that a proposal to set up a partnership scheme to work on transport issues conflicts with national policies, or is not in general conformity with the strategic policies of the development plan for Exeter, or fails in any other way to meet the relevant basic conditions. In summary, although this part of the plan meets the basic conditions, it is misleading. Since this is a matter of the plan's soundness and quality, I cannot make any recommendation on it; but I shall make some

comments, leaving those involved to consider them before the plan is finalised. My comments follow.

36. In my view Section 6.1 of the plan needs correcting so that it does not wrongly indicate that what is described as Project 6 has been "prioritised" by members of the community in the same way as the first five projects. This could be done by amending the first part of Section 6.1 so that it refers to five priority projects, as in the previous draft. Much of the text describing the transport partnership project could be incorporated into the existing text under the heading "Delivering the Plan"(editing would be needed to avoid repetition or labelling the project as Project 6). Alternatively, this part of the plan should be re-written in some other way so that the "priority projects" accord with those at the top of the list in Appendix 1, whilst the Forum's intention to work with other bodies on the issues described on page 19 is stated without being called a priority project.

37. I deal with Policy T2 itself later in this report.

Environment Policies (EN1 to EN6)

38. The first sentence of Policy EN2 could cause problems. It states: "Development in the Hoopern Valley Park will not normally be permitted". The supporting text indicates that there is a strong desire in some sectors of the community to see improved footpath surfacing in the Hoopern valley. From this statement I understand that the desire for improved footpath surfacing is not universal; nevertheless this piece of text does not support a policy under which a proposal to add some form of surfacing to footpaths would conflict with Policy EN2. Depending on the details of any particular proposal, laying a hard surface is likely to constitute "development" as defined by the Planning Act, and so require planning permission. Such permission may or may not be granted under the General Permitted Development Order, again depending on circumstances as yet unknown. Footpath surfacing is only one example - the same could apply to other small-scale developments such as a bird-hide.

39. Either way, I consider that a policy against all development in the Hoopern Valley would be too sweeping, even with the allowance for exceptions provided by the word "normally" and by the possibility of "material considerations" outweighing policy. As it stands, this policy would not be in general conformity with local plan policy L3, which sets out restrictive criteria for development on open spaces but does not present such a "blanket" refusal as is implied by Policy EN2. The City Council's Development Management Document (which has some relevance as draft supplementary policy guidance) also favours the enhancement of cycling and walking facilities; this appears to encourage development which would achieve such aims, as opposed to saying that it would not normally be permitted.

40. Those points could be met by amending the first sentence of Policy EN2, to make it more targeted, along the following lines:

"Development which would detract from the landscape or ecological value of the Hoopern Valley Park will not normally be permitted. Proposals that would enhance...." etc.

41. In Policy EN6, the requirement that certain types of development should "where possible" achieve a net enhancement to biodiversity within the ward is rather imprecise. Requiring the enhancement to be achieved "when the proposal is implemented" is also unclear and possibly unreasonable. This phrase seems to mean that the biodiversity enhancement must be achieved immediately, or at the same time as a planning permission for development is implemented. There is nothing in the local plan or national policies to imply such immediacy, and enhancements to biodiversity can sometimes take several years to be achieved.

42. I consider that although the "where possible" qualification need not be removed, the last few words ("when the proposal is implemented") should be omitted so that there is better general conformity with the basic condition relating to the development plan and national policy.

43. I have no comments on the other EN policies.

Design Policies (D1 and D2)

44. Policy D1 sets out various criteria for good quality design. Under this policy (here I quote from the first paragraph and the first bullet point): "Good design means: achieving high quality, contemporary design that respects the scale and character of existing and surrounding buildings".

45. The supporting text for this policy mentions objectives such as reflecting local character and historic interest while encouraging innovative and contemporary design. The rich variety of architectural styles in the area is also mentioned.

46. I take "contemporary" as having its normal meaning in this context of "conforming to modern ideas in style or fashion". Whilst noting the Forum's desire to encourage contemporary design, good design does not necessarily mean contemporary design, especially in parts of St James where there are buildings of historic character. In such areas, proposals for development or re-development with a contemporary design may be appropriate, but a non-contemporary style may be equally acceptable. Furthermore, defining good design as being contemporary design sits oddly with the reference to historic interest in the supporting text.

47. I may have misunderstood the plan's intention here. The word "contemporary" can have different meanings, and in some contexts it can mean "of the same period" (equivalent to "contemporaneous"). If that is what was intended, a different criticism would apply, since it is possible to achieve good design without necessarily requiring new buildings to look as if they were of the same period as others nearby - and in any case this would be impracticable in locations where buildings are of various ages and architectural styles.

48. The local plan's design policies refer to requirements for new development to be compatible with its surroundings, with reference to factors such as density, height, volume, shape and finishing materials of structures. But there is no requirement in either the local plan or the Core Strategy for design to be contemporary. Much the same applies to national policy - the NPPF states that policies on good design "should not attempt to impose architectural styles".¹⁴ Thus as it stands, the way Policy D1 equates good design with contemporary design appears to conflict with national policy.

49. At the very least the word "contemporary" is ambiguous. Adopting what I consider to be its normal meaning in the context it is used in the Neighbourhood Plan, it does not generally conform with the local plan or national policy. Therefore I consider that it should be omitted from Policy D1 (with suitable adjustment to punctuation, that is to say omitting the comma after "quality") and from the supporting text on page 24. The important point about design which respects the scale and character of existing and surrounding buildings would remain as part of the policy.

50. I have no comments on Policy D2.

Community Policies (C1 to C5)

¹⁴ NPPF, paragraph 60.

51. Policy C1, which sets out restrictive criteria relating to proposals for changes of use to houses in multiple occupation, is evidently included in the plan because parts of St James have a high proportion of houses used for student accommodation. The City Council have taken steps including an Article 4 direction¹⁵ to prevent the sort of problems which can occur when the social mix of an area becomes over-dominated by a particular age-group, and Policy C1 seems to me to be a sensible approach, in line with the wider local context.
52. Policies C2 and C3 refer respectively to "large scale" and "small scale" purpose-built student accommodation. In the supporting text, large scale is defined as single developments providing over ten student beds. Small scale is defined as single developments providing fewer than ten student beds.
53. There is an unsatisfactory gap here - proposals for developments providing ten student beds would not be subject to either of these policies. As a result it would be difficult for any potential developer of a scheme with accommodation for ten student beds to predict the outcome of a planning application, contrary to the national policy guidance about predictability which I have quoted above.¹⁶ Developers could also exploit the gap by designing proposals to have ten student beds and arguing that neither policy applies.
54. The policies do not need to be changed, but the text before Policy C2 should be amended so that this policy applies to single developments providing ten or more student beds. This definition would reflect the definition of "major" housing developments (ten or more dwellings) in Policy CP5 of the Core Strategy, although of course dwellings and student beds are not directly comparable.
55. Policy C4 states (among other things):

"Appropriate and well located community, local retail/food and drink development will be permitted provided that:.....

 - (b) the proposed use is not already oversupplied in the area, and will result in the excessive concentration of uses, such as takeaway restaurants;....".
56. Although it is possible to discern the intent behind the second part of sub-paragraph (b), the syntax leaves room for confusion. The policy appears to say (in part) that development will be permitted provided that the proposed use will result in the excessive concentration of uses such as takeaway restaurants. I do not think that can be the intention, but this is the sort of thing which in my experience can cause time-consuming arguments during appeals against planning decisions. Such a possibility goes against national policy guidance to the effect that plans should help decision-making on planning applications to be efficient.
57. The necessary clarity would be obtained by inserting the word "not", so that this part of the policy reads:

¹⁵ This is a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order, taking away "permitted development" rights to make certain changes of use which constitute development but would normally not require specific planning permission.

¹⁶ NPPF, paragraph 17.

"(b) the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;...." ¹⁷

58. Policy C5 is aimed at safeguarding allotments. I have mentioned this policy in paragraph 20 but have no additional comment on it.

Economy Policy E1

59. I have no comments on this policy.

Sustainable Development Policies (SD1 to SD4)

60. Policies SD2 and SD3 relate respectively to the cricket club site and to infill and "windfall" sites. Policy SD2 states that development that ensures a long term and viable future for the cricket club site will be supported where (among other things) high standards of contemporary sustainable design and construction are achieved. Policy SD2 states that proposals to develop small "infill/windfall" sites for affordable homes for local people or good quality private residential development will be supported where proposals achieve high standards of contemporary, sustainable and low carbon design.

61. The comments I have made about the apparent insistence on contemporary design in Policy D1 apply equally here. Indeed, the supporting text to Policy SD2 mentions the heritage importance of the cricket club site, which if anything suggests that contemporary design might well not be appropriate. In the absence of any justifying evidence, I conclude that the requirement for proposals to be of "contemporary" design should be omitted.

62. On page 30 of the plan there is a paragraph of text headed "Howell Road Car Park". The last sentence reads: "Any proposals for the development of the Howell Road Car Park should be developed with the input of the community and in particular local businesses on Longbrook Street from an early stage in the preparation of proposals."

63. This paragraph is part of Section 6.2 of the plan, which is headed "Policies". Each policy in Section 6.2 is preceded by explanatory supporting text. However, the text referring to the Howell Road car park does not follow that pattern - there is no numbered policy about the car park. Having looked at a previous draft of the plan, I am aware that at an earlier stage in its preparation the plan did contain a policy (labelled as SD3 in the earlier draft plan), which had wording broadly similar to the sentence quoted above, but was not identical and did not include the phrase "from an early stage in the preparation of proposals".

64. I do not know the full history of this matter, but it seems to me likely that during the consultation process, the Forum found it difficult to decide whether the plan should have a policy on the Howell Road car park and if so, how the policy should be worded. There may have been problems reconciling the views of local traders and local residents - a common occurrence when plans try to strike a balance between potentially conflicting interests.

65. Whatever the cause, I consider that this part of the plan should be amended, for two reasons. First, the sentence quoted above reads as if it were a policy statement. Although it is not highlighted in green colour or numbered in the same way as Policies SD1 to SD4, it could be regarded by parties involved in a

¹⁷ My use here of the future conditional tense "would", instead of the future "will", is in line with a suggestion I have made to the City Council and the Forum. As it does not relate to the "basic conditions" and is not a point raised by any objector this suggestion is a matter outside this report.

development proposal (including applicants, appellants, objectors and supporters) as a sort of "quasi-policy", causing difficulty in deciding its status and weight.

66. Secondly, I think it would be impractical and against aspects of national policy to force applicants to design any development proposal "with the input of local businesses in Longbrook Street at an early stage in the preparation of proposals". The NPPF mentions "empowering local people to shape their surroundings" and advises that planning authorities should encourage applicants to engage with the local community before submitting applications.¹⁸ But national policies also aim to limit the tasks which applicants for planning permission have to undertake. The NPPF advises that investment in business "should not be over-burdened by the combined requirements of planning policy expectations";¹⁹ and recent government statements have stressed the need to do away with what has been called "planning red tape". With those points in mind, I consider that the specific, early stage requirement implied by this part of the plan would be going too far.
67. Taking those points into account, I conclude that either the heading "Howell Road Car Park" and the paragraph of text after it, or at least its last sentence, should be omitted from the plan, for the sake of clarity and to make the plan accord better with national policy aims to reduce planning burdens on businesses.
68. I have no comments on Policies SD1 and SD4. Subject to the comments I have made about this part of the plan, I judge that the plan as a whole contributes to achieving sustainable development.

Heritage Policy H1

69. I have no comments on this policy.

Transport Policies (T1 to T6)

70. I have some concerns about whether these policies would all meet the NPPF criterion that plans should provide a "practical framework" for making decisions on development proposals. I say that because there appears to be some mutual conflict between the transport policies, together with some lack of clarity. The apparent mutual conflict arises because the support in Policy T2 for "signage to direct strategic traffic away from and around St James" appears to go against desires expressed elsewhere (for example, Projects 5 and 27 in Appendix 1) to "de-clutter" streets by reducing the number of signs.
71. As regards clarity, the transport policies and related text refer variously to "strategic traffic", "non-resident traffic" and "through traffic". I think "strategic traffic" is probably intended to mean the same thing as "through traffic". If so, it would probably be simpler to refer merely to "through traffic". The term "non-resident traffic" is used in Policy T3, which supports proposals to protect against the impact of traffic in residential areas. It seems likely that any such proposals would have to allow access by delivery vehicles and visitors to dwellings, so I doubt the practicality of seeking to deter "non-resident traffic", although the reduction of through traffic in residential areas is a laudable aim.
72. Policy T2, which is specifically mentioned by Land Securities, states:

¹⁸ NPPF, paragraphs 17 and 189.

¹⁹ NPPF, paragraph 21.

"Design and highways proposals that mitigate the impact of strategic traffic within St James will be supported. Proposals as appropriate to their scale and location may include:

- Traffic management measures to minimise the impact of traffic on residential and community streets; and
- Signage to direct strategic traffic away from and around St James."

73. Land Securities say that it would be inappropriate to rule out or pre-judge any solutions or traffic routes before the County and City Councils have decided on strategic measures for Exeter as a whole, and that attempts to restrict heavy goods vehicle movements would be difficult to enforce or monitor.
74. There is some validity in those points; but the principle of directing traffic away from St James to reduce traffic in York Road and Blackhall Road has evidently been accepted by the County and City Councils,²⁰ and Policy T2 does not rule out alternative traffic management schemes. It seems to me that this policy leaves room for flexibility - it only refers to signage to direct "strategic traffic" (whatever that might mean) away from and around St James as a proposal which *may* be included as appropriate. This suggests to me that such a scheme, perhaps after full investigation and assessment by bodies such as the highway authority, may not turn out to be appropriate. I think it is reasonable for a neighbourhood plan to support mitigation measures in the way expressed here.
75. The Exeter development plan and national policies are too generalised to give clear-cut guidance on these issues. The NPPF, for example, advises that different measures will be required in different communities.²¹
76. On balance, I have decided that although the transport policies and supporting text could be more clearly and consistently expressed, the policies meet the basic conditions, so my concerns do not justify recommending amendments to them. However, in order to make the supporting text accord with Policy T2, the word "should", in the text preceding the policy (in the phrase "this should include the diversion of strategic traffic"), should be changed to "may". Whether the City Council and the Neighbourhood Forum wish to consider making any other changes of wording in the light of my other comments above is something I must leave as a matter for them, since these comments do not amount to findings that the plan fails to meet the basic conditions.

The Next Stage - the Referendum and its Area

77. I conclude that the plan, as amended following consideration of my recommendations, should be submitted to a referendum.
78. I do not see any reason for altering or extending the Neighbourhood Plan area for the purpose of holding a referendum.

Summary of Recommendations

The numbers in square brackets below give the paragraph numbers in this report where the reasoning for the recommendation is explained.

79. I recommend that:

²⁰ Source: the Forum's response to Land Securities representation, Appendix 15 of the Consultation Statement (11th unnumbered page). Also, neither the County nor City Councils have objected to Policy T2.

²¹ NPPF, paragraph 29.

1. The plan period be defined, either by stating a start date or publishing date on the plan document, or by stating a plan period with an end date (not just "the next 15 years" in an undated document). [15-16].
 2. The first sentence of Policy EN2 be amended to read:

"Development which would detract from the landscape or ecological value of the Hoopern Valley Park will not normally be permitted. Proposals that would enhance...." etc. [38-40].
 3. The phrase "when the proposal is implemented" be omitted from Policy EN6. [41-42].
 4. The word "contemporary" be omitted from policies D1, SD2 and SD3, and the text on page 24. [44-49, 60-61].
 5. The text before Policy C2 be amended so that this policy applies to single developments providing ten or more student beds. [52-54].
 6. The word "not" be inserted in sub-paragraph (b) of Policy C4 so that it reads:

"the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;" [55-57].
 7. Either the heading "Howell Road Car Park" and the paragraph of text after it be omitted from the plan; or alternatively, the last sentence of that paragraph be omitted. [62-67].
 8. The word "may" be substituted for "should" in the supporting text to Policy T2 on page 33, in the phrase "This should include the diversion of...". [76].
80. Subject to the recommendations above, I also recommend that the plan as amended should be submitted to a referendum, based on the area defined in Figure 1 of the Neighbourhood Plan document.

G F Self

Graham Self MA MSc FRTPI

14 February 2013.

APPENDIX 1 THE BASIC CONDITIONS

A neighbourhood plan meets the basic conditions if:

- i) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- ii) the making of the plan contributes to the achievement of sustainable development;
- iii) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- iv) the making of the plan does not breach, and is otherwise compatible with, EU obligations; and
- v) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.

The legal source of these basic conditions is the Localism Act 2011, which inserted Schedules 4A and 4B into the Town and Country Planning Act 1990. Schedule 4B relates to Neighbourhood Development Orders; Schedule 4A relates to Neighbourhood Development Plans and applies parts of Schedule 4B to Plans.

APPENDIX C

MINOR CORRECTIONS

- Front page: Amend to read 'Exeter St James Neighbourhood Plan'.
- Page 9, What the Plan Aims to Achieve: Second paragraph – Delete the word “the” and insert the missing text ‘Ward,’ at end of third line.
- Page 14, Delivering the Plan: In the paragraph beginning “It is recognised...” - Amend “principle” to read “principal”.
- Page 14, Delivering the Plan: In the paragraph beginning “It is recognised...” - Delete “the” in the phrase “as the Exeter grows” in the last line.
- Page 14, Projects: First paragraph - Amend the fifth sentence to read “... For this reason only five priority projects have been identified...” and insert at the start of the second paragraph “Following comments received on the draft Neighbourhood Plan a major partnership project is also proposed.”
- Page 17, Project 2: Amend text to avoid repetition of final bullet.
- Page 19, Project 6: Delete Project 6 and amend heading to read “Major Partnership Project”.
- Page 19, Project 6: Join the 5th and 6th bullet points together.
- Page 20, Figure 4: Policy Map – Label Policy EN3 correctly (currently shown as N3).
- Page 21, Policy EN1: Amend policy text so that second line reads “... identified on Figure 4 or that results in any harm to their...”.
- Page 21, Policy EN1: Change tense to future conditional to read “...would only be permitted if the community would gain equivalent benefit...”
- Page 22, Policy EN3: Change tense to future conditional to read “... Queens Crescent Garden would only be permitted where it forms...” and “...Proposals would be expected...”
- Page 22, Policy EN4: Amend layout to avoid last line of policy text being cut in half.
- Page 22, Policy EN5: Amend shading to avoid covering explanatory text and to reveal the last word of the policy which should be 'trees'.
- Page 23, Policy EN6: Change tense to future conditional to read “...compensation could be provided and...”
- Page 24, Policy D1: Amend to list criteria (a) and (g).
- Page 24, Policy D2: Amend policy text to read “...the architectural design of the rest of the building...” (inserting the word “the” before “building”).

- Page 25, Policy C1: Criterion (c) - Change tense to future conditional and amend the text to read “internal and external amenity space, refuse storage and car and bicycle parking would be provided at an appropriate quantity and would be of a high standard so as not to harm visual amenity”.
- Page 27, Policy C2: Change tense of to future conditional to read (b) “where the servicing and parking requirements could be achieved...” and (c) to read “where the scale and massing of any purpose built accommodation would be broadly similar to...”.
- Page 27, Policy C3: Amend format and change tense to future conditional to read “The development of small scale purpose built student accommodation will be permitted provided that the proposal would not prejudice the objective of creating a balanced community’.
- Page 28, Policy C4: Change tense to future conditional to read (a) “...the development would respond well to its local context, would reinforce local distinctiveness and would not detract...”,(b) “...would not result in the excessive concentration of uses...” and (c) “...proposals would not adversely impact residential amenity of nearby properties...” and (d) “...proposals would not adversely impact upon road safety”.
- Page 28, Policy C5: Criterion (b) - Amend policy text to avoid repetition of word 'or'
- Page 28, Policy C5: Change tense to future conditional to read (a)“...replacement provision would be made, of at least equivalent quality, where it would be located...(b) “...benefits could be derived...”
- Page 29, Policy E1: Amend and change tense to future conditional to read “Proposals... will be permitted provided that they would (a) not involve...; (c) be well integrated...(d) proposals... (e) not adversely...”
- Page 29, Policy SD1: Change tense to future conditional to read “Proposals...will be supported provided they would: (b) be of a scale...(e)...that minimise...”
- Page 30, SD2 and SD3: Amend to list criteria (a), (b) and (c).
- Page 30, Policy SD2: Change tense to future conditional to read “(c) ...would be achieved...”
- Page 30, Policy SD3: Change tense to future conditional to read “ Proposals...will be supported where they: (a) have a scale and form of proposals which would be complementary to surrounding properties and would not result... (b) would achieve high standards...(c) would be accompanied by ...”
- Page 30, Policy SD3: Amend policy text (to avoid repetition) to read: "have a scale and form which would be complementary to surrounding properties and would not result...".
- Page 32, Policy H1: Delete erroneous word 'Transport' at end of policy text.
- Page 33, Policy T2 and T3: Simplify terminology by referring to ‘through traffic’ (rather than ‘strategic traffic’ and ‘non-residential traffic) throughout the explanatory text and amend heading of Policy T2 to read “Through traffic” and criteria a) of T3 to read “...to deter through traffic”.

- Page 33, Policy T2: Amend to list criteria (a) and (b).
- Page 34, Policy T3: Amend to list criteria (a), (b) and (c).
- Page 34, Policy T6: Amend text to read “St James Park Station”.

**EXETER CITY COUNCIL
EXETER ST JAMES NEIGHBOURHOOD PLAN DECISION STATEMENT**

1. Summary

- 1.1 Following an independent Examination, Exeter City Council now confirms that the Exeter St James Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On 25 June 2012, Exeter City Council designated the area comprising the electoral ward of St James as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 On 28 August 2012, Exeter City Council designated Exeter St James Forum as a formal Neighbourhood Forum for the purpose of preparing a Neighbourhood Plan for the area in accordance with Part Three of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.3 Following the submission of the Exeter St James Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on Friday 8 February 2013.
- 2.4 Exeter City Council appointed an independent examiner, Mr Graham Self of the Planning Inspectorate, to review whether the Plan should proceed to referendum.
- 2.5 The examiner's report concludes that subject to making the minor modifications recommended by the examiner the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 Having considered each of the recommendations made by the examiner's report, and the reasons for them, the City Council has decided to make the modifications to the draft plan referred to in paragraph 3.1 below, to secure that the draft plan meets the basic conditions set out in legislation, and has decided to make the modifications to the draft plan referred to in paragraph 3.2 below for the purpose of correcting errors.

3. Decision and Reasons

- 3.1 The City Council has made the following modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions, for the reasons given:

Policy	Change	Reason for change
Plan Period	The plan period be defined either by stating a start date or publishing date on the plan document or by stating a plan period with an end date (not just "the next 15 years" in an undated document). ²²	To add clarity and in order to meet legal requirements.

²² The Plan will be dated March 2013 and the plan period will be 2013 - 2028

Policy	Change	Reason for change
EN2	The first sentence of Policy EN2 be amended to read: "Development which would detract from the landscape or ecological value of the Hoopern Valley will not normally be permitted. Proposals that would enhance..." etc	To ensure general conformity with local plan policy L3
EN6	The phrase "when the proposal is implemented" be omitted from Policy EN6.	To add clarity and ensure the policy is reasonable
D1,SD2 and SD3	The word "contemporary" be omitted from policy D1, SD2 and SD3 and the text on page 24.	To add clarity and to ensure conformity with the local plan and national policy.
C2	The text before policy C2 be amended so that this policy applies to single developments providing ten or more student beds.	To ensure predictability in line with national policy guidance.
C4	The word 'not' be inserted in sub-paragraph (b) of Policy C4 so that it reads: "the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;"	To ensure clarity and predictability in line with national policy guidance.
Howell Road Car Park	Either the heading "Howell Road Car Park" and the paragraph of text after it be omitted from the plan; or alternatively, the last sentence of that paragraph be omitted. ²³	To ensure clarity and conformity with national policy guidance.
T2	The word "may" be substituted for "should" in the supporting text to Policy T2 on page 33, in the phrase "This should include the diversion of..."	To ensure clarity and to conformity with national policy guidance.

3.2 To enhance the clarity of the plan, the City Council has also made the following modifications for the purpose of correcting errors in the text:

- Front page: Amend to read 'Exeter St James Neighbourhood Plan'.
- Page 9, What the Plan Aims to Achieve: Second paragraph – Delete the word "the" and insert the missing text 'Ward,' at end of third line.
- Page 14, Delivering the Plan: In the paragraph beginning "It is recognised..." - Amend "principle" to read "principal".
- Page 14, Delivering the Plan: In the paragraph beginning "It is recognised..." - Delete "the" in the phrase "as the Exeter grows" in the last line.
- Page 14, Projects: First paragraph - Amend the fifth sentence to read "... For this reason only five priority projects have been identified..." and insert at the start of

²³ The last sentence of the paragraph concerning Howell Road Car Park will be deleted.

the second paragraph “Following comments received on the draft Neighbourhood Plan a major partnership project is also proposed.”

- Page 17, Project 2: Amend text to avoid repetition of final bullet.
- Page 19, Project 6: Delete Project 6 and amend heading to read “Major Partnership Project”.
- Page 19, Project 6: Join the 5th and 6th bullet points together.
- Page 20, Figure 4: Policy Map – Label Policy EN3 correctly (currently shown as N3).
- Page 21, Policy EN1: Amend policy text so that second line reads “... identified on Figure 4 or that results in any harm to their...”.
- Page 22, Policy EN4: Amend layout to avoid last line of policy text being cut in half.
- Page 22, Policy EN5: Amend shading to avoid covering explanatory text and to reveal the last word of the policy which should be 'trees'.
- Page 24, Policy D2: Amend policy text to read "...the architectural design of the rest of the building..." (inserting the word "the" before "building").
- Page 25, Policy C1: Criterion (c) - Change tense to future conditional and amend the text to read “internal and external amenity space, refuse storage and car and bicycle parking would be provided at an appropriate quantity and would be of a high standard so as not to harm visual amenity”.
- Page 27, Policy C2: Change tense of to future conditional to read (b) “where the servicing and parking requirements could be achieved...” and (c) to read “where the scale and massing of any purpose built accommodation would be broadly similar to...”.
- Page 27, Policy C3: Amend format and change tense to future conditional to read “The development of small scale purpose built student accommodation will be permitted provided that the proposal would not prejudice the objective of creating a balanced community’.
- Page 28, Policy C4: Change tense to future conditional to read (a) “...the development would respond well to its local context, would reinforce local distinctiveness and would not detract...”,(b) “...would not result in the excessive concentration of uses...” and (c) “...proposals would not adversely impact residential amenity of nearby properties...” and (d) “...proposals would not adversely impact upon road safety”.
- Page 28, Policy C5: Criterion (b) - Amend policy text to avoid repetition of word 'or'
- Page 28, Policy C5: Change tense to future conditional to read (b) “...benefits could be derived...”
- Page 29, Policy E1: Change tense to future conditional to read “Proposals... will be permitted provided that they would (a) not involve...; (c) be well integrated... (e) not adversely...”
- Page 29, Policy SD1: Change tense to future conditional to read “Proposals...will be supported provided they would: (b) be of a scale...(e)...that minimise...”
- Page 30, SD2 and SD3: Amend to list criteria (a), (b) and (c).
- Page 30, Policy SD2: Change tense to future conditional to read “(c) ...would be achieved...”
- Page 30, Policy SD3: Change tense to future conditional to read “Proposals...will be supported: (a) where the scale and form of proposals would be complementary to surrounding properties and would not result... (b) proposals would achieve high standards...(c) would be accompanied by ...”
- Page 30, Policy SD3: Amend policy text (to avoid repetition) to read: "have a scale and form which would be complementary to surrounding properties and would not result..."
- Page 32, Policy H1: Delete erroneous word 'Transport' at end of policy text.
- Page 33, Policy T2: Simplify terminology by referring to ‘through traffic’ (rather than ‘strategic traffic’ and ‘non-residential traffic’) and amend heading of Policy T2 to read “Through traffic”.

- Page 33, Policy T2: Amend to list criteria (a) and (b).
- Page 34, Policy T3: Amend to list criteria (a), (b) and (c).
- Page 34, Policy T6: Amend text to read “St James Park Station”.

3.3 The City Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the City Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

3.4 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question ‘Do you want Exeter City Council to use the Exeter St James Neighbourhood Plan to help it decide planning applications in the neighbourhood area?’ will be held in the St James Exeter ward.

3.5 The date on which the referendum will take place is agreed as 2 May 2013.

EXETER CITY COUNCIL EXECUTIVE COMMITTEE

**EXETER CITY COUNCIL
EXETER ST JAMES NEIGHBOURHOOD PLANNING REFERENDUM**

INFORMATION STATEMENT

A neighbourhood planning referendum will be held for the Exeter St James Neighbourhood Plan on 2 May 2013

The question asked in the referendum will be:

“Do you want Exeter City Council to use the neighbourhood plan for Exeter St James to help it decide planning applications in the neighbourhood area?”

The referendum area and the area covered by the neighbourhood plan is the electoral ward of Exeter St James (a map is attached).

A person is entitled to vote in the Referendum if on 2 May 2013 he or she is entitled to vote in an election of any Councillor of the St David’s and St James Devon County Council Division, of which the St James ward of Exeter City Council forms a part (polling districts NA and NB of the Exeter City Council electoral register).

The referendum expenses limit that will apply in relation to the Referendum is £2,656.64.

The number of persons entitled to vote in the Referendum by reference to which that limit has been calculated is 4,994.

The Referendum will be conducted in accordance with procedures which are similar to those used for a local government election.

The specified documents, listed below, are available to view on the website www.exeter.gov.uk/neighbourhoodplanning and in the Customer Service Centre, Civic Centre, Paris Street, Exeter, EX1 1JN Monday - Friday, 8.30am to 5pm.

The specified documents are:

The draft Neighbourhood Plan

The examiner’s report

A summary of representations submitted to the examiner

A statement that the Council is satisfied that the draft plan meets the basic conditions and complies with the provision made by sections 38A and 38B of the 2004 Act

General information on town and country planning including neighbourhood planning